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UNCLAS SECTION 01 OF 02 ADDIS ABABA 001231

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DEPARTMENT FOR AF DAS YAMAMOTO, AF/E, AND AF/PD S.WESTGATE
DRL FOR K.GILBRIDE
LONDON, PARIS, ROME FOR AFRICA WATCHER

E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [KJUS](#) [ET](#)
SUBJECT: SLOW START TO ETHIOPIAN OPPOSITION TRIAL
EVIDENTIARY PROCEEDINGS

REF: A. ADDIS ABABA 667 (AND PREVIOUS)

[1](#)B. WONG-YAMAMOTO EMAIL OF MARCH 22, 2006 (NOTAL)

[1](#)1. (U) SUMMARY: What was anticipated to be the opening of full-fledged evidentiary proceedings against CUD chairman Hailu Shawel and more than 100 other opposition supporters detained since November 2005 was not. Rather, prosecutors submitted, and the Court accepted, the amended charge of "attempted genocide," in the only substantive issue addressed. Court proceedings will resume May 8. END SUMMARY.

[1](#)2. (U) All of the more than 100 opposition defendants facing capital charges along with Hailu Shawel were present at the May 2 hearing (the first since March 22), most wearing black. As they entered the court, many embraced each other in what was apparently the first time they had been together for some time. They appeared to be in good health. Public attendance was noticeably down from prior hearings, with many seats vacant. Most European diplomats were absent; many had begun a rotational attendance in anticipation of continual hearings throughout the week. The European Union's legal observer, Reuters, and Associated Press were present, as well as a London-based ActionAid representative. Hailu Shawel's wife and son, and Berhanu Nega's Amcit wife were also in attendance.

[1](#)3. (U) The High Court first addressed the issue of the amended charge related to genocide. As the court had insisted at the prior hearing that the charge be amended formally, the prosecution formally submitted the amendments in writing, and the defendants (all but the three civil society defendants were unrepresented) were given copies of the amended charges. The court accepted the charges, and then, at the insistence of one detainee, read through the list of defendants for their response to the charge.

[1](#)4. (U) In a brief opening statement, the prosecutor essentially recapitulated the charges and stated that the prosecution would use various evidence to prove direct or indirect involvement in violence against the state, and that the defendants unlawfully sought change in an unconstitutional way. No attempt was made to present a theory of the case in the opening statement. The prosecutor declared that he would present evidence in the following order: video, audio, and then witnesses. No evidentiary material or equipment was present, and no effort was made to

continue presenting the case.

¶5. (U) The Court then permitted several defendants to speak on subjects unrelated to the prosecution (or defense) of the case. One person wanted money taken from him returned, another wanted to speak his own native language to his family members, one defendant mother wanted longer visits allowed for her children, several wanted their computers and cameras returned. There were also some allegations about prisoner abuse. When questioned by the judge, the prosecutors and police representatives denied any knowledge about any of the matters raised by the defendants.

¶6. (U) Following a short break, the Court announced its findings. Notably, that the prosecution should bring equipment to present its case (first video, then audio, and then witnesses), and that the prison officials were expected to investigate and present to the court findings on the range of complaints registered by the defendants. The Court also asked that the criminal investigators state why personal property was not being returned to the defendants.

¶7. (SBU) One attendee (an attorney acting as interpreter for the EU) advised conoff that she had identified 14 of the prosecution witnesses. She said that some had actually visited Kaliti prison and claimed they were being "forced to testify", but that "they would not say much" if compelled to testify.

¶8. (U) In a final ruling, the court ordered the venue of the next court appearance (scheduled for May 8) changed from a special court in central Addis Ababa (next to Addis Ababa University) to Kaliti prison on the outskirts of the city, where the defendants are being held.

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¶9. (SBU) COMMENT: Neither the prosecution nor the Court seemed to be in any particular hurry to advance the case. More time was allowed defendants to register their complaints than at any prior session. The defendants did not seem perturbed by the pace, and no statements were made about the prosecutor's remarks. The defendants' material possessions and visitor access seemed to be of greater concern than the case progression, perhaps the defendants' way of "ignoring" or refusing to take part in the hearing.

¶10. (SBU) COMMENT CONTINUED: So long as international and family member access continues, the transfer of the proceedings should be interpreted more as a security measure than as an attempt to keep key players out. The current location of the trial is on one of Addis' largest and most easily accessible public squares. The approach of the one-year anniversary of the 2005 elections may also have heightened the GOE's security concerns, and thus the Court's decision to transfer venue. END COMMENT.

Huddleston